Sir:

Please take notice that the within is a true copy of an _____

this day duly filed and entered in the office of the Clerk of _____

_____

in the action.

Dated N. Y., _____ *189*

Yours, etc.,

PERCIVAL S. JONES,

Att'y for _____

To

_____ *Esq.,*

Att'y for _____

New York County Supreme Court.

387

National Gramophone Corporation
Plaintiff

against

American Talking Machine Company
Defendant

Proposed
ORDER.

Jones & McCormick
~~PERCIVAL S. JONES,~~
Attorney for Deft.
220 BROADWAY,
NEW YORK CITY.
Borough of Manhattan.

Due service of a copy of within proposed Order and indorsed notice of ~~this~~ is hereby admitted.

Dated, N. Y., _____ 189

_____ Atty.

FILED
JAN 19 1900

To _____ Esq.

_____ Atty.

Served by enclosing same in wrapper & leaving in office letter box Jany 19th 00

City and County of New York, ss., Henry J. McCormick

being duly sworn, deposes and says: that he is over 21 years of age, and is ~~one of the office of PERCIVAL S. JONES,~~ the attorney for the defendant in this action; on the 17 day of July 1900 at No. 19 Wall St in the City of New York, he served the annexed proposed order

upon Gould G. Morse Esq the attorney for plff therein by delivering to, and leaving with Clerk personally enclosing same in a wrapper and depositing same in office letter box, the office being closed a true copy thereof

Deponent further says that he knew the person so served to be attorney for defendant plff and the proper person to be served

Sworn to before me this 19th day of July 1900

Wm J Abbottuzzo

Henry J. McCormick

Notary Public

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Fol 1

At a Special Term of the Supreme Court held in and for the county of New York at the County Court House Part I, Borough of Manhattan, on the ~~25th~~ day of January 1900. 19

P R E S E N T

HON. GEORGE P. ANDREWS,

J U S T I C E.

----------X

NATIONAL GRAMOPHONE CORPORATION

-against-

AMERICAN TALKING MACHINE COMPANY.

2 ----------X

On reading and filing the summons and complaint in this action and the noticeof appearance filed and servedon the part of the defendant by Jones & McCormick, attorneys, and upon the notice of motion herein and the moving affidavit of Albert T. Armstrong, verified the 5th day of January 1900, and the moving affidavit of Henry J. McCormick, verified the 5th day of January 1900, read in support of said motion, and upon reading and filing the affidavits of Waldo G. Morse, Esq verified Jany 15th 1900

3 in opposition thereto, and after hearing Henry J. McCormick Esq., of counsel for the defendant for the motion, and Waldo G. Morse Esq., attorney for the plaintiff opposed, and due deliberation having been had,

N o w on motion of Jones & McCormick, attorneys for the defendant,

IT IS ORDERED that the plaintiff in the above entitled action within ten days from the filing and service of a

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copy of this order, serve upon Jones & McCormick, attorneys for the defendant, a bill of particulars duly and properly verified, setting out and showing specifically all and singular the sales and profits which said plaintiff has lost by reason of the defendant's alleged libels, as claimed and alleged in the plaintiff's complaint herein, giving the names of the persons whose custom has been lost, and their places of business, specifying city, street and number, and specifying all and singular cancelled contracts made with the plaintiff, with the names of the parties thereto, their addresses, and whether they be persons, firms or corporations, and the times when and the places where such losses have occured, as well as the dates and amounts of any transactions or sales or orders which the plaintiff lost the benefit of by reason of the defendant's alleged libels, and of the losses therein specifically. And further specifying every person, firm and corporation to whom the said plaintiff intends to prove the alleged libelous statements was published (and giving the names of the towns or cities in which said person, firm and corporation respectively reside, or have their places of business.

IT IS FURTHER ORDERED that the time of the defendant to answer the complaint herein be and the same is extended until twenty days after the service of a copy of said bill of particulars, as herein required by said plaintiff.

AND IT IS FURTHER ORDERED that until the requirements of this order concerning the service of said bill of partic-

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ulars are properly and fully carried out, the plaintiff's proceedings in this action in all other respects be and the same are hereby stayed.

E N T E R :-

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